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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FELTEN, DANIEL S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/802,719

Applicant(s)

INGRAHAM ET AL.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/13/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on June 13, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

--The claimed invention is directed to non-statutory subject matter. Claims 1-19, particularly claim 1, is directed to the manipulation of an abstract idea that has no apparent concrete or tangible result. The examiner has interpreted "*transaction request*" to mean "asking for" or "inquiring of" a transaction. Thus, receiving the transaction request, matching the transaction request with property profiles and providing a transaction request does not result in an actual transformation of information or the performance of an actual transaction [see MPEP 2106 II A].

--Claims 3, 4, 6 and 7 are directed toward non-functional descriptive material because they are not involved with how processing of information takes place [see MPEP 2106 IV 1(b)].

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification discloses a “*rental request*”, but there is no description in the specification of a “*transaction request*” or how it is used in the applicant’s invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3-10, 12-14, 17-20, 22-25, 27-28, 31-42 and 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Broerman (US 6,594,633)

*Broerman discloses, as in claim 1, a method comprising:*

--receiving a plurality of property profiles from at least one responsible Party (see column 7, lines 25-32),

--receiving at least one transaction request from at least one requesting Party(see column 7, lines 34-37),

--matching the at least one transaction request with the property profiles(see column 7, lines 34-45); and

--providing the at least one transaction request to the responsible parties of a subset of the plurality of property profiles that match the transaction request . (see column 7, lines 38-53),

*Broerman discloses , as in claim 20, a machine readable medium having stored thereon instructions which when executed by a processor cause the machine to perform operations (see column 4, lines 43-56);*

--receiving at least one property profile from at least one responsible party (see column 7, lines 25-32);

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--receiving at least one transaction request from each of a plurality of requesting parties  
(see column 7, lines 34-37);

--matching the transaction requests with the property profiles (see col. 7, lines 34-45)

--providing the transaction request to the responsible parties of those properties that  
match the transaction request (see column 7, lines 38-53)

*Broerman discloses, as in claim 34, a bus (see “arrows” not labeled (fig. 20)*

--a storage device coupled to the bus (see memory—54, see fig. 2);

--a processor (52) coupled to the bus, the processor to execute software to cause the  
computer to perform operations comprising (see fig. 2, column 4, lines 44-56)

--receiving at least one property profile from at least one responsible party (see “property  
database”—20 col. 4, lines 1-12);

--receiving at least one transaction request from each of a plurality of requesting parties  
(see column 7, lines 34-44);

--providing the transaction request to the responsible parties of those properties that  
match the transaction request. (see column 7, lines 44-53)

--providing an offer received from one at least one of the responsible parties (see column  
8, lines 20-48)

--providing an offer received from at least one of the responsible parties to at least one of  
the requesting parties (see column 2, lines 25-37), *as in claims 5 and 22*

--wherein providing the offer comprises: providing a ranking based on a plurality of  
criteria (see “*listing appropriate properties*” column 7, lines 38-42), *as in claims 8 and 23*

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--providing acceptance received from one of the requesting parties to one of the responsible parties, (see column 7, lines 48-51), *as in claims 9, 24 and 37*

--providing a property visit request received from one of the requesting parties, (see column 8, lines 9-19; and column 8, lines 31-38), *as in claims 10, 25 and 38*

--receiving lease execution notification from at least one of the responsible parties, (see column 8, lines 8-19; and also column 8, lines 31-38), *as in claims 12, 28 and 41,*

--receiving sale execution notification from at least one of the responsible parties, (see column 8, lines 8-19; and also column 8, lines 31-38), *as in claims 13, 28, 41*

--providing a sequence of maps to prompt the requesting party to select at least one desired geographical location, (see column 8, lines 20+), *as in claims 17, 31 and 44*

--billing the responsible party a success fee (see column 7, lines 21-25; also see "sales verification", lines 54+), *as in claims 14, 19, 29, 33, 42, 46*

--receiving at least one unit information (see column 7, lines 17-27), *as in claims 18, 32 and 45*

--wherein the matching engine is performed by a matching engine, *as in claim 35* (see "search engine", column 7, lines 34+)

--wherein the matching engine comprises of a plurality of software instructions, (see column 7, lines 34+) *as in claim 36*

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 11, 21, 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broerman (US 6,594,633) in view of Micali (US 5,812,670)

Broerman discloses negotiations between requesting party (buyers) and responsible party (sellers) but fails to disclose anonymously such that an identity of the requesting party is hidden from the responsible party, *as in claims 2, 11, 21, 26 and 39.*

Micali discloses a transmission method that allows the identity of senders and receivers to be kept confidential but is also traceable ( see Micali, abstract; column 1, lines 61+). The motivation to combine Broerman and Micali is to facilitate secure communications between an anonymous sender and a recipient wherein a message is linked to the message and is traceable to it. Such a modification of Broerman with the TAT systems of Micali would allow secure interactive communications when the real estate transaction documents are electronically communicated over the Internet (see Broerman column 6, lines 19+). Thus to secure transmission of important documentation over the Internet would be an obvious expedient to one of ordinary skill in the art.

9. Claims 15, 16, 30 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broerman (US 6,594,633) in view of Eggleston et al ( US 6,061, 660)

Broerman fails to disclose receiving a request for a promotional reward from at least one of the requesting parties, *as in claims 15, 16, 30, and 43*

Eggleston disclose a method and system for providing programs over the Internet to offer incentive programs to customers (see Eggleston Abstract). It would obvious to combine Broerman and Eggleston to promote usage of the Broerman system over the Internet as well as increase sales as enunciated in the background of Eggleston (see Eggleston column 1, lines 27+). Thus such a modification would increase the amount of use of the Broerman invention an thus be an obvious expedient to one of ordinary skill in the art.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent:

Fraser (US 5,664, 115) discloses an interactive system to match buyers and sellers of real-estate

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten  
Examiner  
Art Unit 3624

DSF  
March 17, 2006